

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

IN RE: Gerald R. Galleshaw	:	Case No. 15-bk-11047
Debtor	:	
	:	
David C. Fraioli and New	:	
England Auto Center, Inc.	:	
Plaintiff	:	Chapter 7
	:	
v.	:	Ad Pro No. 15-ap-01023
	:	
Gerald R. Galleshaw	:	
Defendant	:	

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT**

I, Todd S. Dion, Esq., do hereby depose and say under oath that:

1. I am counsel for Gerald R. Galleshaw (the "Debtor") in the above captioned matter and have personal knowledge of the facts set forth in this affidavit;
2. On January 5<sup>th</sup>, 2016, David C. Fraioli and New England Auto Center, Inc. (the "Plaintiff") filed an Amended Complaint (Doc. #24) in the Adversary Proceeding.
3. Both Plaintiff and Defendant are represented by counsel in the above captioned matter and the Amended Complaint was served electronically to the parties;
4. On January 19<sup>th</sup>, 2016, the Defendant filed and served an Answer to the Amended Complaint and a Counterclaim (Doc. #31) to the Complaint;
5. Upon examination of the Court docket on January 22<sup>nd</sup>, 2016, the court issued an Updated Answer Deadline of February 9<sup>th</sup>, 2016 to the Plaintiff to respond to the Defendant's Counterclaims;

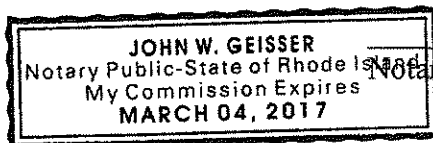
6. More than sixty (60) days have lapsed since the February 9<sup>th</sup>, 2016 deadline and to date the Plaintiff has not supplied a proper response or requested an extension of time to comply with this Court's order;
7. To the best of my knowledge, and considering that the Plaintiff was the party to bring this action and is represented by counsel, the Plaintiff is not in the military service, an infant or incompetent;
8. This affidavit is executed by me in accordance with Rule 55(a) of the Federal Rules of Civil Procedure for the purpose of enabling the Defendant to obtain an entry of default against each of the Plaintiffs, David C. Fraioli and New England Auto Center, Inc., for failure to plead or otherwise defend as to Defendant's Counterclaims.

Signed under the pains and penalties of perjury on this 28<sup>th</sup> day of April, 2016

  
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Todd S. Dion Esq.

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

28 Sworn and subscribed to before me in the county of Providence, Rhode Island on this day of April, 2016.



  
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Notary Public